

HAYWARD POLICE DEPARTMENT

CASE REPORT

300 West Winton Avenue
Hayward, CA 94544

CASE# **2016-00003386**

EVENT	REPORTED DATE/TIME 01/13/2016 17:31	OCCURRED INCIDENT TYPE Misc Criminal	CASE DISPOSITION Arrest
	OCCURRED FROM DATE/TIME 01/13/2016 17:31	OCCURRED THRU DATE/TIME 01/13/2016 17:31	LOCATION OF OCCURRENCE 231 W Jackson St Hayward, CA 94544-

OFFENSES	STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT
	314.1 PC-M SexG	1	Commit
	484 PC Shoplift -M LarchH	1	Commit
	148 PC-M 148	1	Commit
	69 PC-F 148	1	Commit

SUBJECT	SUBJECT TYPE Victim		NAME (LAST, FIRST, MIDDLE SUFFIX) [REDACTED] <input type="checkbox"/> NON-DISCLOSURE					
	DOB [REDACTED] [REDACTED]		ADDRESS (STREET, CITY, STATE, ZIP) [REDACTED]					
	SEX [REDACTED]	RACE [REDACTED]	EYE [REDACTED]	HAIR [REDACTED]	HEIGHT or RANGE [REDACTED]	WEIGHT or RANGE [REDACTED]		
	DL NUMBER/STATE [REDACTED]	PFN [REDACTED]	PRIMARY PHONE [REDACTED]	PHONE #2 [REDACTED]				

SUBJECT	SUBJECT TYPE Witness		NAME (LAST, FIRST, MIDDLE SUFFIX) [REDACTED] <input type="checkbox"/> NON-DISCLOSURE					
	DOB [REDACTED] [REDACTED]		ADDRESS (STREET, CITY, STATE, ZIP) [REDACTED]					
	SEX [REDACTED]	RACE [REDACTED]	EYE [REDACTED]	HAIR [REDACTED]	HEIGHT or RANGE [REDACTED]	WEIGHT or RANGE [REDACTED]		
	DL NUMBER/STATE [REDACTED]	PFN [REDACTED]	PRIMARY PHONE [REDACTED]	PHONE #2 [REDACTED]				

SUBJECT	SUBJECT TYPE Suspect		NAME (LAST, FIRST, MIDDLE SUFFIX) Montes, Albert, <input type="checkbox"/> NON-DISCLOSURE					
	DOB 5/26/1989 26		ADDRESS (STREET, CITY, STATE, ZIP) [REDACTED]					
	SEX Male	RACE Hispanic	EYE Brown	HAIR Black	HEIGHT or RANGE 5' 11" -	WEIGHT or RANGE 165		
	DL NUMBER/STATE [REDACTED]	PFN [REDACTED]	PRIMARY PHONE [REDACTED]	PHONE #2 [REDACTED]				

SUBJECT	SUBJECT TYPE Witness		NAME (LAST, FIRST, MIDDLE SUFFIX) [REDACTED] <input type="checkbox"/> NON-DISCLOSURE					
	DOB [REDACTED] [REDACTED]		ADDRESS (STREET, CITY, STATE, ZIP) [REDACTED]					
	SEX [REDACTED]	RACE [REDACTED]	EYE [REDACTED]	HAIR [REDACTED]	HEIGHT or RANGE [REDACTED]	WEIGHT or RANGE [REDACTED]		
	DL NUMBER/STATE [REDACTED]	PFN [REDACTED]	PRIMARY PHONE [REDACTED]	PHONE #2 [REDACTED]				

REPORTING OFFICER Cristol	DATE 348 01/13/2016	REVIEWED BY chad.olthoff Olthoff, Chad 1/14/2016 22:05
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300 West Winton Avenue

Hayward, CA 94544

NARRATIVE

SUSPECT DESCRIPTION:

(S) Albert Montes - HMA 6'0 200Lbs Black and Brown; [REDACTED] DOB 05-26-1989

Montes was wearing a black hooded sweatshirt with a red, white and green design on the front, blue jeans, and red shoes.

SUSPECT STATUS:

The suspect was booked at the Santa Rita Jail after receiving medical treatment at St Rose Hospital in Hayward, CA. The suspect was booked for PC 314, PC 69, and PC 484(a).

VICTIM STATUS:

V1 [REDACTED] was highly offended by the suspect showing his penis to her and following her with it hanging out.

V2 CVS suffered the loss of a bottle of alcohol which when recovered had to be damaged out.

Both Victims request criminal prosecution of (S) Montes.

SUMMARY:

On 01-13-2016 at approximately 1700 hours in front of 24080 Amador St an indecent exposure in violation of PC 314 occurred. The suspect stood facing the Victim with his penis exposed, and then began walking towards her while looking at her. The Victim was offended and wanted the suspect arrested. On 01-13-2016 at approximately 1731 hours the suspect then stole a bottle of Smirnoff Vodka from the CVS located at 243 W Jackson St. in Hayward in violation of PC 484. The suspect ran away from a police officer wearing full police uniform and driving a marked HPD patrol vehicle that exhibited a forward facing solid red and flashing blue lights in violation of PC 148. The suspect then ran at the police officer in violation of PC 69, refusing commands of "get on the ground" and was taken into custody after being struck with a police baton. The Victim of the PC 314 responded to the scene and positively identified the suspect as the male who showed her his penis and followed her with it exposed. The assistant store manager of CVS then came forward and identified the bottle of Vodka, which still had the security cap on it, as belonging to his store. He stated that he witnessed the suspect steal the vodka, and he wanted to press charges. The suspect was medically cleared and booked into the Santa Rita Jail on charges of PC 314, PC 148, and PC 484.

NARRATIVE:

On 01-13-2016 at approximately 1721 hours I was in full police uniform and driving marked HPD patrol vehicle #315. I was dispatched to an indecent exposure call in front of 24080 Amador St in

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Cristol 348	01/13/2016	chad.olthoff Olthoff, Chad 1/14/2016 22:05

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NARRATIVE (continuation)

Hayward, CA. I arrived on scene at 1724 hours. Radio dispatch had described the suspect as a Hispanic Male with short buzzed black hair, some facial hair, and wearing a black hoodie with a Mexican flag on it, blue underwear, and blue jeans. I was unable to locate the suspect, and radio dispatch advised that the victim only wanted police contact is the suspect was located [REDACTED]

On 01-13-2016 at approximately 1736 hours I was dispatched to a suspicious person call in front of the Safeway located at 231 W Jackson St in Hayward, CA. Radio dispatch advised that a Safeway Security Guard was arguing with a Hispanic Male Adult in a "black hoodie" and jeans. Dispatch advised that the subject had just stolen a bottle of alcohol from the CVS.

I arrived on scene at approximately 1739 hours in full police uniform and in marked HPD patrol vehicle #315. I attempted to activate my department issued Body Worn Camera (BWC) but for an unknown reason it did not turn on. I was flagged down by (W) [REDACTED] in front of the Safeway. [REDACTED] identified himself as a security guard employed by Safeway. He stated that the suspect had just stolen from the CVS and was causing problems in front of his store. He pointed to an individual later identified as (S) Albert Montes, who saw me and began to walk eastbound through the parking lot. The suspect had a large bottle of Smirnoff Vodka in his hand that still had a store security cap affixed to it.

The security guard, [REDACTED] then walked after Montes, and Montes went and hid in between two cars. I drove my marked patrol car towards the suspect, and activated my overhead solid red and flashing blue lights. Montes stood up and I made eye contact with him. I yelled, "Police, come here" but Montes ran northbound from the Safeway parking lot into the 24 Hour Fitness parking lot located at 24727 Amador St.

I backed my vehicle up, and then drove in the direction of the suspect. I advised radio dispatch that the suspect had fled towards the 24 Hour Fitness. I saw the suspect duck in between two vehicles. I then exited my vehicle, which still had my emergency lights activated, and began to walk towards the suspect. The suspect, who was wearing a black hooded sweatshirt with a red, green, and white design on the front, blue jeans, and red shoes, jumped out from in between two vehicles south of where I had last seen him, and began advancing on me at a rapid pace. The suspect had his right hand out in front of him pointing at me, and his left hand concealed in the front pocket of his hoodie. I yelled at the suspect, "Get on the ground!" but he continued to advance on me.

The suspect is 6 feet tall and weighs at least 200 lbs. I believed that he may have been the earlier indecent exposure suspect, he had just committed a theft, and he was holding a large glass bottle. The suspect had initially fled from me, but now instead of fleeing north, east, or west away from me, he was coming towards me. One of the suspect's hands (left) was concealed, and his right hand was raised as he came at me, ignoring commands to get on the ground. I believed that if the suspect reached me, he would tackle or punch me.

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Cristol 348	01/13/2016	chad.olthoff Olthoff, Chad 1/14/2016 22:05

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NARRATIVE (continuation)

I yelled at the suspect to get on the ground again and I used my diamond wood straight baton to deliver a zone three overhand strike to knock away the suspect's right hand and deflect it from hitting me. The hand bled and was swollen; it would later be revealed that the hand was fractured. The follow through of the swing struck the suspect on his right thigh, leaving redness and swelling.

I yelled at the suspect to get on the ground again, but he refused. The suspect continued to move towards me, now with his left arm raised in the air in a threatening manner, so I delivered a two handed zone three strike to the suspect's left forearm, leaving redness and swelling.

The suspect remained on his feet starring at me so I delivered a second two handed zone three strike, this time hitting the suspect's right shoulder, leaving redness and swelling as well. I again yelled at the suspect again to get on the ground as I did this and he then lay himself prone on the pavement. I holstered my baton on my duty belt.

The suspect then tried to get back up. I pushed him down with two hands to his upper back and handcuffed him, getting his blood on both of my hands. I immediately asked radio dispatch to start fire and paramedics to attend to the suspect's injuries. I then noticed that my BWC was flashing green instead of red, so I activated my BWC.

The full glass bottle of 1.75L of Smirnoff Vodka was located approximately 3-5 paces north of the suspect. It was eventually turned over to a CVS representative after being photographed.

It should be noted that I felt tightness in my lower and upper back (right side) after taking the suspect into custody. I elected to work through the pain at the time in order to finish the investigation. I have a doctor's appointment on 01-15-2016.

Ofc. Landreth #312 arrived on scene. I asked him to standby with the suspect while I went to my vehicle and cleaned the suspect's blood from my hands. While I was sanitizing my hands, a middle aged Hispanic Female Adult in what I believed to be a gold Honda CRV (CA License 0447LDP) pulled up to me, rolled her window down, and demanded Ofc Landreth's name and badge number. I asked her why and she stated that she felt that what he did was unnecessary. I informed her that I was Officer Cristol #348, and it was me who took the suspect into custody. I asked the female if she heard my commands and she stated that she was inside of her vehicle with the windows up but she saw what happened. I asked the female to pull over and wait for another officer or a supervisor to come take her statement. She then stated that she had no statement to make, and rolled up her window as she drove away.

Sgt Olthoff responded to the scene.

Ofc. Vernon then arrived on scene and I asked her to locate witnesses and take statements.

Ofc. Petersen then arrived on scene and I asked him to locate witnesses and take statements.

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Cristol 348	01/13/2016	chad.olthoff Olthoff, Chad 1/14/2016 22:05

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NARRATIVE (continuation)

The Hayward Fire Department and Paramedics Plus Rig 2131 arrived on scene and provided medical aid to the suspect, who refused to identify himself to myself or any other police officer, firefighter, or paramedic on scene.

Ofc. Landreth then went to locate witnesses and take statements.

The red, white, and green design on the front of the suspect's black hoodie sweatshirt closely resembled a Mexican flag. The suspect had a short "buzz cut" haircut and a small amount of facial hair on his face, matching the description of the suspect on the PC 314 call. Ofc. Angeli went and picked up the Victim of the PC 314 [REDACTED]. Ofc. Angeli transported [REDACTED] to the location of the suspect's arrest, where I admonished her with a Simmons Admonition. I then took the following BWC recorded statement from (V) [REDACTED]

SUMMARY OF BWC RECORDED STATEMENT OF (V) [REDACTED]

[REDACTED] stated that she was walking her dog in the area between 24080 Amador St and Centennial Park at approximately 1700 hours. She stated that as she walked her dog, she observed that a Hispanic Male Adult was standing with his penis exposed looking at her. She stated that his body language gave her the idea that he wanted her to see it. [REDACTED] stated that she was offended by this and crossed the street to get away from the suspect.

I had powers view the suspect who was laying on a gurney in the back of Paramedics Plus Rig #2131. She stated, "That is absolutely 100% him - the sweatshirt, the jeans, and the haircut all match."

[REDACTED] stated that she wanted the suspect arrested.

Ofc. Angeli then transported (V) [REDACTED] back home and provided her with the case number.

It should be noted that at 2100 hours I re contacted [REDACTED] and took an additional BWC recorded statement. [REDACTED] stated, in summary, that she believes that the suspect waited for her to walk by, and when she looked at him, his pants and blue underwear were down at an angle, and 5 inches of his penis was exposed, with the head tucked into the elastic band of the underwear. [REDACTED] reiterated how offended she was and stated that she ran across the street to get away from the suspect.

[REDACTED]

I then was contacted by (W) [REDACTED] [REDACTED] who is the [REDACTED] [REDACTED] [REDACTED] of the Victim CVS Store. I then took the following statement (in summary).

SUMMARY OF BWC RECORDED STATEMENT OF (W) [REDACTED]

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Cristol	01/13/2016	348 chad.olthoff Olthoff, Chad 1/14/2016 22:05

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NARRATIVE (continuation)

handcuffs, which were all double locked. I then seat belted him into my patrol vehicle, and transported him to Santa Rita Jail, where he was booked.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

CRIME SCENE DESCRIPTION:

The first crime scene (PC 314) was a mixed use street in Hayward (Amador St near Centennial Park).

The second crime scene (PC 484 from CVS) is a grocery store located at 243 W Jackson St.

The third crime scene (PC 69 and PC 148) occurred in the parking lot between 231 W Jackson St and 24727 Amador St.

WITNESS STATEMENTS:

Refer to Ofc. Landreth, Ofc. Vernon, and Ofc. Petersen's reports for more information.

SUSPECT STATEMENT:

The suspect invoked Miranda.

[REDACTED]

[REDACTED]

END OF REPORT - M. CRISTOL #348

REPORTING OFFICER

Cristol

348

DATE

01/13/2016

REVIEWED BY

chad.olthoff|Olthoff, Chad|1/14/2016|22:05

HAYWARD POLICE DEPARTMENT

CASE SUPPLEMENT REPORT

CASE# **2016-00003386**

300 West Winton Avenue
Hayward, CA 94544

EVENT	REPORTED DATE/TIME 01/13/2016 17:31	OCCURRED INCIDENT TYPE	
	OCCURRED FROM DATE/TIME	OCCURRED THRU DATE/TIME	LOCATION OF OCCURRENCE

OFFENSES	#	STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT

SUBJECT	SUBJECT TYPE Witness		NAME (LAST, FIRST, MIDDLE SUFFIX) [REDACTED] <input type="checkbox"/> NON-DISCLOSURE			
	DOB [REDACTED] AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP) [REDACTED]			
	SEX [REDACTED]	RACE [REDACTED]	EYE [REDACTED]	HAIR [REDACTED]	HEIGHT or RANGE [REDACTED]	WEIGHT or RANGE [REDACTED]
	DL NUMBER/STATE [REDACTED]		PFN [REDACTED]	PRIMARY PHONE [REDACTED]		PHONE #2 [REDACTED]

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2

REPORTING OFFICER Petersen	496	DATE 01/13/2016	REVIEWED BY chad.olthoff Olthoff, Chad 1/14/2016 22:17
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HAYWARD POLICE DEPARTMENT

CASE SUPPLEMENT REPORT

CASE#

2016-00003386

300 West Winton Avenue

Hayward, CA 94544

NARRATIVE

NARRATIVE:

On 01/13/16 at 1734 hours, I was detailed to the Safeway store, located at 231 W Jackson Street, regarding a theft. The reporting party called to say a Hispanic male stole some alcohol from the store and was now outside arguing with a security guard. While enroute to the listed address, I heard Ofc. Cristol advise that he arrived on scene.

Officer Cristol then advised the suspect was running through the parking lot towards 24 hour fitness. A few moments later, Ofc. Cristol asked HPD dispatch to have HFD respond for baton strikes he had used to detain the suspect. I arrived a few minutes later and saw Ofc. Cristol standing in the parking lot north of Safeway towards the front entrance of the 24 hour fitness. I was then contacted by a witness, [REDACTED] [REDACTED] who stated she saw the incident. In summary, [REDACTED] stated the following.

[REDACTED] entered the parking lot from Amador Street. As she was driving up to the front of the store, to look for a parking space, she noticed a Hayward Police vehicle parked in front of the store. As [REDACTED] drove closer, she noticed the patrol vehicle start to drive north in front of her. [REDACTED] stopped her vehicle as the patrol vehicle past her and she stopped. [REDACTED] said the officer casually got out of the vehicle and approached a subject in the parking lot near 24 hour fitness. [REDACTED] continued to watch and said the subject and the officer were walking towards each other. [REDACTED] said when the officer and subject were about 5-7 feet from each other, the officer removed his baton and struck the subject. [REDACTED] said the officer struck the subject about four times. [REDACTED] then tried to turn her phone on to record the incident. When [REDACTED] looked up again the suspect was on the ground and more officers arrived to assist. [REDACTED] said the officers handcuffed the subject without any further incident. [REDACTED] said no officer struck the subject while he was on the ground. [REDACTED] never heard any conversing between the officer and the subject since the windows were up in her vehicle. [REDACTED] called 911 to report the incident. (See written statement)

After taking the statement from [REDACTED] I was cleared from the scene by Sgt. Olthoff.

END OF REPORT...Petersen #496

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Petersen 496	01/13/2016	chad.olthoff Olthoff, Chad 1/14/2016 22:17

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Hayward, CA 94544

EVENT	REPORTED DATE/TIME 01/13/2016 18:09	OCCURRED INCIDENT TYPE	
	OCCURRED FROM DATE/TIME	OCCURRED THRU DATE/TIME	LOCATION OF OCCURRENCE

OFFENSES	STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT

SUBJECT	SUBJECT TYPE Witness		NAME (LAST, FIRST, MIDDLE SUFFIX) [REDACTED] <input type="checkbox"/> NON-DISCLOSURE			
	DOB [REDACTED] AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP) [REDACTED]			
	SEX [REDACTED]	RACE [REDACTED]	EYE [REDACTED]	HAIR [REDACTED]	HEIGHT or RANGE [REDACTED]	WEIGHT or RANGE [REDACTED]
	DL NUMBER/STATE		PFN	PRIMARY PHONE [REDACTED]		PHONE #2

SUBJECT	SUBJECT TYPE Witness		NAME (LAST, FIRST, MIDDLE SUFFIX) [REDACTED] <input type="checkbox"/> NON-DISCLOSURE			
	DOB [REDACTED] AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP) [REDACTED]			
	SEX [REDACTED]	RACE [REDACTED]	EYE [REDACTED]	HAIR [REDACTED]	HEIGHT or RANGE [REDACTED]	WEIGHT or RANGE [REDACTED]
	DL NUMBER/STATE		PFN	PRIMARY PHONE [REDACTED]		PHONE #2

SUBJECT	SUBJECT TYPE Witness		NAME (LAST, FIRST, MIDDLE SUFFIX) [REDACTED] <input type="checkbox"/> NON-DISCLOSURE			
	DOB [REDACTED] AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP) [REDACTED]			
	SEX [REDACTED]	RACE [REDACTED]	EYE [REDACTED]	HAIR [REDACTED]	HEIGHT or RANGE [REDACTED]	WEIGHT or RANGE [REDACTED]
	DL NUMBER/STATE		PFN	PRIMARY PHONE [REDACTED]		PHONE #2

SUBJECT	SUBJECT TYPE Witness		NAME (LAST, FIRST, MIDDLE SUFFIX) [REDACTED] <input type="checkbox"/> NON-DISCLOSURE			
	DOB [REDACTED] AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP) [REDACTED]			
	SEX [REDACTED]	RACE [REDACTED]	EYE [REDACTED]	HAIR [REDACTED]	HEIGHT or RANGE [REDACTED]	WEIGHT or RANGE [REDACTED]
	DL NUMBER/STATE		PFN	PRIMARY PHONE [REDACTED]		PHONE #2

REPORTING OFFICER Vernon	452	DATE 01/13/2016	REVIEWED BY chad.olthoff Olthoff, Chad 1/14/2016 22:11
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HAYWARD POLICE DEPARTMENT

CASE SUPPLEMENT REPORT

CASE#

2016-00003386

300 West Winton Avenue

Hayward, CA 94544

NARRATIVE

NARRATIVE:

On 01/13/16 at about 1740 hours I was detailed to the Safeway located at 231 W Jackson regarding a possible theft in progress. While enroute, I heard Officer Cristol advise on air that he was on scene and witnessing security chasing a subject through the parking lot. Shortly thereafter, Officer Cristol advised on the air that he had deployed his baton and he requested HFD respond to the scene.

I arrived on scene and saw that the suspect (Albert Montes) was in handcuffs sitting on the ground in the parking lot of 24 Hour Fitness and was being rendered medical aid by HFD with Officer Cristol standing close by. I began scanning the parking lot for possible witnesses to the incident.

I located a witness standing nearby [REDACTED] and walked over to interview him. It should be noted that [REDACTED] is primarily Spanish speaking and he relayed his statement to me in English to the best of his ability. [REDACTED] told me the following in summary. [REDACTED] was standing by his vehicle (which I saw was approximately 20 feet away from where Officer Cristol and Montes were when I arrived on scene) when he saw Montes running from Officer Cristol, which [REDACTED] mimed using his fingers. [REDACTED] then mimed with his hand a motion with his index finger pointed forward, as if he was indicating that Officer Cristol was ordering Montes in some way. Lastly, [REDACTED] mimed with his hands/arms the swing of a bat or baton type object while shaking his head back and forth.

[REDACTED] statement was extremely short due to the language barrier [REDACTED]

I then interviewed the informant [REDACTED] who is the [REDACTED] of the Safeway store. [REDACTED] told me the following in summary. [REDACTED] had just been released from work and was standing in front of the Safeway store waiting for her mom to pick her up when she noticed Montes walking towards her with a shopping cart. When [REDACTED] glanced inside the shopping cart she saw a full bottle of Smirnoff liquor with a security cap still on it that she immediately recognized as belonging to the CVS Pharmacy next door. Montes stopped in front of [REDACTED] and left the cart there, while he went inside the Safeway Store. Once Montes was in the Safeway store, [REDACTED] grabbed the Smirnoff bottle and walked over to CVS Pharmacy to return it. Once [REDACTED] returned to her position at the Safeway Store to wait for her mother, Montes was just walking out with a new cart that was filled with more liquor from inside the Safeway Store. Store security was close behind and took the cart away from Montes. Store security then walked back inside the Safeway store. Montes began following the security guard around the store. Eventually the security guard escorted Montes out of the store. Montes then returned to the CVS Pharmacy and selected another bottle of liquor which he concealed in the front of his pants. Montes came walking out of CVS Pharmacy and the security guard for Safeway began trying to stop him which resulted in a chase through the parking lot. This is when [REDACTED] saw Officer Cristol pull up. [REDACTED] did not see Officer Cristol approach Montes, nor did she hear any commands given or force used [REDACTED]

I next spoke to a store employee [REDACTED] who advised she was sitting out front when the incident happened. [REDACTED] saw Safeway store security chasing Montes through the parking lot and

REPORTING OFFICER

DATE

REVIEWED BY

Vernon

452

01/13/2016

chad.olthoff|Olthoff, Chad|1/14/2016|22:11

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NARRATIVE (continuation)

saw Officer Cristol pull up. [REDACTED] saw Officer Cristol turn on his emergency lights and exit his patrol vehicle while saying "Get on the ground." [REDACTED] did not hear anything else, nor did she see any force used from where she was sitting, about 30 yards from where Officer Cristol and Montes were when I arrived on scene [REDACTED]

Lastly, I spoke with a citizen [REDACTED] who was just pulling into the parking lot as the incident occurred. [REDACTED] had her vehicle windows up and therefore could not hear any commands; however, she specifically stated she knew Officer Cristol was issuing commands based on his body language and movements. Next, she saw Officer Cristol strike Montes with his baton once which [REDACTED] thought was appropriate to apprehend Montes. [REDACTED] then stated that she saw Officer Cristol strike Montes again (she could not tell me exactly how many times) and she advised she thought the additional strikes might have been unnecessary due to the fact that she didn't see anything in Montes' hands. Lastly, [REDACTED] told me she did have a clear view of the use of force from about 20 yards away [REDACTED]

END OF REPORT
VERNON #452

REPORTING OFFICER	DATE	REVIEWED BY
Vernon 452	01/13/2016	chad.olthoff Olthoff, Chad 1/14/2016 22:11

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OFFENSES	STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT

SUBJECT	SUBJECT TYPE Witness		NAME (LAST, FIRST, MIDDLE SUFFIX) [REDACTED] <input type="checkbox"/> NON-DISCLOSURE			
	DOB [REDACTED] AGE or AGE RANGE [REDACTED]		ADDRESS (STREET, CITY, STATE, ZIP) [REDACTED]			
	SEX [REDACTED]	RACE [REDACTED]	EYE [REDACTED]	HAIR [REDACTED]	HEIGHT or RANGE [REDACTED]	WEIGHT or RANGE [REDACTED]
	DL NUMBER/STATE [REDACTED]		PFN [REDACTED]	PRIMARY PHONE [REDACTED]		PHONE #2 [REDACTED]

SUBJECT	SUBJECT TYPE Witness		NAME (LAST, FIRST, MIDDLE SUFFIX) [REDACTED] <input type="checkbox"/> NON-DISCLOSURE			
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	SEX [REDACTED]	RACE [REDACTED]	EYE [REDACTED]	HAIR [REDACTED]	HEIGHT or RANGE [REDACTED]	WEIGHT or RANGE [REDACTED]
	DL NUMBER/STATE [REDACTED]		PFN [REDACTED]	PRIMARY PHONE [REDACTED]		PHONE #2 [REDACTED]

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB [REDACTED] AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB [REDACTED] AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2

REPORTING OFFICER Landreth	474	DATE 1/13/2016	REVIEWED BY chad.olthoff Olthoff, Chad 1/14/2016 22:08
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HAYWARD POLICE DEPARTMENT

CASE SUPPLEMENT REPORT

CASE#

2016-00003386

300 West Winton Avenue

Hayward, CA 94544

NARRATIVE

PURPOSE:

This supplemental report documents my response to a suspicious person in Safeway at 231 W Jackson St. I interviewed [REDACTED] as a witness to the CVS theft and use of force. I also interviewed [REDACTED] as a witness to use of force.

NARRATIVE:

On 01-13-16 at 1731 hours, [REDACTED] a [REDACTED] for Safeway called to report a suspect later identified as Albert Montes had just completed a theft from CVS in the same shopping center. Officer Cristol arrived on scene, located Montes hiding between two pick-up trucks. Officer Cristol advised via radio he needed assistance. I responded Code 3 from W Winton and Amador St. Upon arrival, the following occurred in summary:

I arrived on scene to find Officer Cristol in the parking lot isle directly between Safeway and 24 Hour fitness. Officer Cristol was standing next to Albert Montes who was detained in handcuffs and lying on his stomach. I exited my patrol car and pat searched Montes for weapons. Montes was bleeding from his right hand and Hayward Fire was already on their way. I attempted to speak with Montes, but he refused to talk with me. Montes had a heavy odor of an alcoholic beverage about his person and breath.

NOTE: Montes physical description and clothing were similar to a prior indecent exposure suspect from just 30 minutes prior [REDACTED] This incident occurred near 24080 Amador St and was close to Montes' current location. Refer to Officer Cristol's original report for further.

I also saw a [REDACTED] later identified as [REDACTED], standing between Officer Cristol's vehicle and Safeway. At [REDACTED] feet was a large unopened alcohol bottle (later determined to be stolen from CVS).

As I continued to look around the area, I observed a man later identified as, [REDACTED], holding up a cell phone as if recording a video. I contacted [REDACTED] and he told me the following in summary:

[REDACTED] was in the parking lot and saw Officer Cristol activate his emergency lights. [REDACTED] was approximately three car lengths and two isles east of Officer Cristol. [REDACTED] saw a male, later identified as Albert Montes; walk out from between a yellow truck and a black truck. Montes turned right and walked toward Officer Cristol. [REDACTED] heard Officer Cristol tell Montes to get on the ground two or three times. [REDACTED] lost view of Montes. [REDACTED] moved his position and saw Officer Cristol deliver three strikes with a baton. [REDACTED] showed me his cell phone and his attempt to video the incident did not include the use of force. [REDACTED] was unable to see Montes actions immediately prior to the use of force [REDACTED]

I returned and advised Sergeant Olthoff and Officer Cristol of [REDACTED] interview. I was then asked to contact [REDACTED] as a witness. I located [REDACTED] in side Safeway and he told me the following in summary:

[REDACTED] told me he knows Montes as a drunk who comes around about very two weeks. Montes has stolen alcohol from Safeway in the past and tonight he had to stop Montes from stealing alcohol. Montes came back again and did pushed a shopping cart of empty containers from the alcohol isle out of the store tonight.

[REDACTED] then followed Montes to CVS. After about ten minutes, [REDACTED] confronted Montes in side CVS with a bulge in

REPORTING OFFICER

DATE

REVIEWED BY

Landreth

474

1/13/2016

chad.olthoff|Olthoff, Chad|1/14/2016|22:08

HAYWARD POLICE DEPARTMENT

CASE SUPPLEMENT REPORT

CASE#

2016-00003386

300 West Winton Avenue

Hayward, CA 94544

NARRATIVE (continuation)

the front of his pants. [REDACTED] had Montes remove a large bottle of alcohol from his pants and leave CVS. [REDACTED] returned to Safeway, only to see Montes run north in the parking lot with the same bottle of alcohol in his hand. [REDACTED] said Montes was hiding between two parked pick-up trucks and pointed out Montes location to Officer Cristol.

[REDACTED] saw Montes pop out from between the trucks and heard Officer Cristol give Montes commands to get on the ground. [REDACTED] said despite the commands, Montes did not get on the ground. [REDACTED] said given Montes level of intoxication and his uncooperative ness, there was no way Officer Cristol could expect cooperation and the use of force on Montes was reasonable [REDACTED]

Following the interviews, I responded to St Rose ER to assist with Montes during his medical care. Once medically cleared, I returned to my other patrol duties.

[REDACTED]

****End of supplemental report, K Landreth #474****

REPORTING OFFICER

Landreth

474

DATE

1/13/2016

REVIEWED BY

chad.olthoff|Olthoff, Chad|1/14/2016|22:08

HAYWARD POLICE DEPARTMENT - HAYWARD, CA

STATEMENT

<input type="checkbox"/> Informant	Name (Last, First, MI)	Race	Sex	D.O.B.
<input type="checkbox"/> Suspect	Residence Address (Number, Street, Apt., City, State, ZIP+4)	PFN #	Residence Phone	
<input type="checkbox"/> Victim	Other Address <input type="checkbox"/> Business <input type="checkbox"/> Mailing <input type="checkbox"/> School	DL/ID #	Other Phone	
<input checked="" type="checkbox"/> Witness				
<input type="checkbox"/> Parent				

TONIGHT 1-13-16 I WAS COMING TO THE SAFENET STORE LOCATED AT 231 W. JACKSON ST. AS I WAS APPROACHING THE FRONT OF THE STORE, LOOKING FOR A PARKING SPACE, I NOTICED A POLICE VEHICLE PARKED IN FRONT OF THE STORE. AS I GOT CLOSER, I NOTICED THE POLICE VEHICLE PULL UP TOWARDS THE FRONT OF 24 HOUR FITNESS. I WATCHED THE POLICE VEHICLE STOP AND THE OFFICER GOT OUT. THE OFFICER DIDNT APPEAR TO BE RUSHING, HE WALKED CASUALLY. HE APPROACHED A SUBJECT WHO WAS WALKING TOWARDS THE OFFICER. AS THEY WERE ABOUT 5-7 FEET FROM EACH OTHER, THE OFFICER PULLED OUT HIS STICK. THE OFFICER STRUCK THE SUBJECT A TIMES THAT I COULD SEE. I WAS TRYING TO TURN MY PHONE ON TO RECORD THE INCIDENT. WHEN I FINALLY LOOKED UP, THE SUSPECT WAS ON THE GROUND AND MORE OFFICERS ARRIVED. I NEVER HEARD ANY CONVERSING BETWEEN THE OFFICER AND THE SUBJECT BECAUSE MY WINDOWS WERE ROLLED UP. THE OFFICER NEVER HIT THE SUBJECT WHILE THE SUBJECT WAS ON THE GROUND. I CALLED 911 TO REPORT WHAT I SAW. THIS IS A TRUE STATEMENT

Officer/Computer I.D.: PETERSEN #496 Date/Time: 1-13-16 1800 Victim Advised Per: 293 PC ☐ Yes ☐ No Entry Clerk

Routing: CLETS, DA, DB, GANG, IA, JUV ARR, JUV 300, PROP, VICE, YFSB, DETECTIVE, NARCOTICS

OTHER:

12/95